

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

JOHN ZAMPITELLA, et al.,	:	
Plaintiffs,	:	CIVIL ACTION
v.	:	
	:	
BENSALEM RACING ASS'N, et al.,	:	
Defendants.	:	NO. 12-2139
v.	:	
	:	
TN WARD CO.,	:	
Third-Party Defendant.	:	

ORDER

AND NOW, this 24th day of January, 2013, upon reviewing the Third-Party Complaint in this matter (Docket No. 8), Third-Party Defendant TN Ward Company's Motion to Dismiss (Docket No. 15), and the opposition briefing filed by Third-Party Plaintiffs Parx Racing and Casino, Bensalem Racing Association, Keystone Turf Club, and Greenwood Gaming and Entertainment (Docket Nos. 16, 18), and for the reasons stated in the accompanying Memorandum, it is hereby ORDERED that:

1. The Motion is DENIED with respect to dismissal for insufficient service of process.
2. The Court quashes the service of process previously made by the Third-Party Plaintiffs.
3. The Third-Party Plaintiffs shall properly serve TN Ward with a summons and complaint within thirty (30) days of the entry of this Order.
4. The Motion is DENIED with respect to the Third-Party Plaintiffs' claim for indemnification.

5. The Motion is GRANTED WITH PREJUDICE with respect to the Third-Party Plaintiffs' claims for negligence and contribution.
6. The Motion is GRANTED WITHOUT PREJUDICE with respect to the Third-Party Plaintiffs' claim for breach of contract.

BY THE COURT:

S/Gene E.K. Pratter
GENE E.K. PRATTER
United States District Judge